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H – 659

International Court of Justice

H0659 - 0002

Notice.

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Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании трибунала и только ту часть, которая представлена в качестве доказательства.

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I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les régles du Tribunal, en date du 4 Avril 1946,

Ich bestaetige , dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

H0659 - 0004

Read May 11, 1946

Excerpt from Document UK 65 - GB 224 -

.....

- 15 Oct. 1939

Naval War Command
No 1/Skl A I 656/39 Gkdos.

Berlin.
3 November 1939

"Top Secret"

This memorandum contains the thoughts of the Naval War Command on the Possibilities of Intensifying Economic Warfare against E n g l a n d.

By Order
Fricke

. . . . .

M e m o r a n d u m
on Intensified Naval Warfare against England.

A) Objectives of the War:

The Fuehrer's proposal of reestablishing a just and honorable peace and settling anew the political order in Middle Europe has been rejected. The enemy powers want war with Germany's destruction as its goal. In the fight in which Germa is now forced to defend her existence and right, Germany must employ her weapons with ruthless severity under full respect o the rules of soldierly conduct in combat.

. . . . . .

B) Estimate of the Enemy Situation :

The conduct of the war as hitherto performed has proved that England is not willing to make great military sacrifices and to go all out in her military commitments in this war. Therefore, she limits herself to waging a war of propaganda an trade which is to be carried on for a long time. Her measures serve the goal of complete/ly/ cutting off Germany from all her trade connections. A trade control, generously built up and carried out ruthlessly, coupled with very great political and economic pressure prevents the neutrals from carrying on their commercial shipping and forces them to support the English economic warfare against Germany.

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C) Possibilities of Naval Warfare in the Future:

I) Military Demands for the Battle of Decision against England:

The military leadership of naval warfare must employ the available weapons as effectively as possible. In this respect the greatest chances for military success are to be expected if steps are taken with ruthless severity against the English sea communications wherever we can reach them, steps with the final objective of preventing any import into England and any export from England. It is to be attempted to spare neutral interests as long as it is possible without impairing military requirements. It remains desirable to base the military measures taken, on the existing International Law; however, military measures recognized as being necessary must, if successes decisive for the war can be expected, be carried out even in a case the valid International Law cannot be applied in that instance. Therefore, as a matter of principle, the military weapon which could effectively /break/ the enemy power of resistance, must be based on legal maxims even if doing s new rules of naval warfare are created.

After weighing the political, military and economic consequences in the frame work of the entire warfare, the High Command must decide which militar procedure and legal rule of warfare are to be applied.

.....

II) In how far are the military demands fulfilled in the present form of economic warfare?

A decisive factor in present economic warfare is the recognition of the valid rules of naval warfare as a matter of principle, especially the conduct of the trade war according to the Prize Ordinance.

.....

The compliance with measures of investigation based on the Prize Ordinance (emerging, stopping, searching) on the part of submarines can militarily no longer be vindicated as a result of the practical experiences made hitherto, especially in enemy coastal zones. The clear directives of the Briti Admiralty to the British merchantmen to ram every German submarine and to us arms as well as

H0659-0006

air surveillance and defense against submarines noted by the submarines show absolutely clear to what dangers the submarine is exposed near the enemy coast when stopping and searching merchantmen.

.....

.....The stopping and searching of merchantmen as stipulated in the Prise Ordinance-so dangerous for the submarines - will be continued as before. It is not possi to sink ships without warning:

1) in the case of all neutral merchantmen -, possibly carrying contraband but travelling singly or in neutral convoys;
2) in the case of all merchantmen not clearly identified as enemy ships whereby the possib lity must be reckoned with that the enemy ma soon start camouflaging his merchantmen as neutral craft.

.....

In comparison with the existing form of trade warfare the blockade will have the following advantages:

1) In military respect:

The military demands are fulfilled to a great extent , the safety of the submarines is increased.

.....

3) In respect to International Law:

The blockade is a legal institution recognized by International law. Objections on the part of neutrals are not probable in case of factual effectiveness and can be rejected in every case by referring to the legal statu of the blockade.

.....

In conclusion the following must be stated as to the ques of a blockade:

It is not possible to proceed ruthlessly and wi out warning against all merchantmen as the military view-point would demand. Even after the blockade has been de-clared the submarines must still emerge in order to warn the neutral ships and those not definitely identified as merchantmen.

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To carry on a blockade of the English and French coasts which is to be effective according to International Law, requires a number of submarines and airplanes not yet available at present.

.....

e) The "siege" of England".

The "siege at sea" is a new concept unknown in existing International Law. It is to be considered as an intensification of the blockade and thus constitutes the strongest form of economic warfare. It takes into consideration the appearance of the air force which with respect to rules of naval warfare is not clearly understood as yet, and the conditions of modern sea warfare - strongest defense against submarines, strongest air surveillance. Its goal is to employ with ruthless severity the available means of combat of naval war, surface forces, submarines, and planes.

The "siege at sea" proceedsfrom the thought that a really successful operation of submarines and planes in the trade war in compliance with the Prize Ordinance, is no longer possible in the coastal zone subjected to enemy air surveillance and in view of the arming of merchantmen and the British Admiralty's directive to merchant shipping to ram every German submarine. It furnishes the submarines and the planes the possibility of sinking without warning every enemy or neutral ship going to or coming from England's coast. However, according to the rules of soldierly combat endeavors should be made to warn the crews of neutral ships before the sinking and to enable them to save themselves in the boats.

1) Conclusions on Policy and International Law.

.....

Since a legal sanction of the concept of "siege" so far does not exist, the neutral states will try to declare in pointing out the absolute impossibility of the effectiveness of the siege (in the sense of surrounding a fortress), that the public proclamation of a state of siege is contrary to international law. However, in reply to that it can be pointed out

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that in a speech in Commons late in September 1939 Chamberlain himself used the expression of besieged fortress with reference to Germany and that at th same time the French press, too, spoke of a war of siege against Germany.

.....

The decision to intensify economic warfare and the timing of the change over to the most intensified and thus final form of naval warfare in this war is of far reaching political importance. It can be made only by the highest wa command which will weigh the military, political and economic requirements against each other.

.....

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Rejected

Doenitz 60

Excerpt

from

"Documents on Rules of Naval Warfare"

From 1 September 1939 until 31 August 1940

Compiled by the

High Command of the Navy

Division I Naval War Command (Seekriegsleitung)

Page 424

534th

Announcement of the American President of 4 November 1939 proclaiming a Combat Area. 1).

The revised neutrality law has been signed and has gone into effedt today; and I have also, under it, issued a proclamation defining a combat area, described in latitude and longitude.

In plain English, the chief result is this: From now on, no American ships may go to belligerent ports, British, French, and German, in Europe or Africa as far south as the Canary Islands. This is laid down in the law, and there is no discretion in the matter.

By proclaiming a combat area I have set out the area in which the actual operations of the war appear to make navigation of American ships dangerous. The combat area takes in the whole Bay of Biscaya, except waters in the north coast of Spain so close to the Spanish coast as to make danger of attack unlikely. It also takes in all the waters around Great Britain, Ireland and the adjacent islands including the English channel. It takes in the whole North Sea, running up the Norwegian coast to a point south of Bergen. It takes in all of the Baltic Sea and its dependent waters.

In substance, therefore, American ships cannot now proceed to any ports in France, Great Britain, or Germany.

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This is by statute. By proclamation they cannot proceed to any ports in Ireland, nor to any port in Norway south of Bergen, nor to any ports in Sweden, Denmark, Netherlands, or Belgium, nor to Baltic ports. All neutral ports in the Mediterranean and Black Seas are open, likewise all ports, belligerent or neutral, in the Pacific and Indian Oceans and dependent waters, and all ports, in Africa south of the latitude of the Canaries (30° N.).

I have discretion to permit, within the spirit of the law, American shipping to operate in the combat areas, where there is necessity. It is intended by regulation to provide that ships and citizens who are now in combat areas may get out of them and for the minimum of necessary official, relief, and other similar travel which must go on in such areas. It is also intended to provide that vessels which cleared for combat areas before the act and proclamation became effective shall be allowed to complete their voyages.

Combat areas may change with circumstances, and it may be found that areas now safe become dangerous, or that areas now troubled may later become safe. In this case the areas will be changed to fit the situation.

Coastwise American shipping is not affected by the bill nor is shipping between American republics or Bermuda or any of the Caribbean islands. In the main, shipping between the United States and Canada is also not affected.

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1) Dep. of State Bulletin, Vol. I (1939), pages 455 ff.

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Doenitz 73

Excerpt from the war diary of the Naval War Command 1939
(KTB Skl, Part C, Issue VIII, 1939)
Supplement 83

Berlin, 24 November 1939

To the missions, according to enclosed list.

Telegram.

Supplement to wire release of 22 October.
Please inform the government there of the following:

Since the warning issued on (date to be inserted here) regarding the use of English and French ships, the following two new facts are to be recorded:

a) The United States has forbidden its ships to sail in a definitely defined area.

b) Numerous enemy merchant ships have been armed. It is known that these armed ships have instructions to use their weapons aggressively and to ram U-boats.

These two new facts give the Reich Cabinet occasion to renew and emphasize its warning, that in view of the increasingly frequent engagements, waged with all means of modern war technique, in waters around the British Isles and in the vicinity of the French coast, the safety of neutral ships in this area could no longer be taken for granted.

Therefore the German Government urgently recommends the choice of the route south and east of the German-proclaimed danger zone, when crossing the North Sea.

In order to maintain peaceful ship traffic of the neutral states and in order to avoid losses of life and propert; for the neutrals, the German Cabinet furthermore feels obliged to recommend urgently legislative measures following the pattern of the U.S. Government, which in apprehension of the dangers of modern naval warfare forbade its ships to sail in an exactly defined area, in which according to the words of the President of the United States the traffic of American ships may seem imperiled by belligerent action.

The Reich Cabinet must point out that it rejects any responsibility for consequences brought about by disregarding recommendations and warnings.

H0659 - 0012

Rejected

Doenitz 74

Excerpt

from the

"Voelkischer Beobachter", Munich edition, of Monday, 11 December 1939.

English coastal shipping placed under naval authorities.

London, 11 December

The British Admiralty announced on Saturday that shipping within certain sections of English coastal waters has been placed under the legal authority of the Navy administration, effective immediately. This jurisdictior authority was given to the commandants of Portsmouth, those of the western approaches to Rosyth, and the commanding admiral of the Orkney and Shetland Islands. They are thus empowered to forbid entirely or to curtail shipping in the coastal waters under their authority.

As the United Press comments, this measure should be considered as a purely defensive one and not as connected with contraband control. It creates a sort of state of siege.

Filed May 13

Doenitz 60 - 10x

E x c e r p t

from

"Documents on Rules of Naval Warfare"

1 Sept. 1939 to 31 Aug. 1940.

Compiled by the High Command of the Navy

Section 1, Naval War Command

Page 22

31.

Declaration of the First Lord of the British Admiralty regarding British submarine warfare in his speech of 8 May 1940 in the House of Commons. 2)

We therefore limited our activities in the Skagerrak to submarines. In order to make these activities as effective as possible, the restrictions usually imposed on our submarines have been relaxed. As I told the House, all German ships had to be sunk day or night, wherever an opportunity presented itself.

2) Parliamentary Debates, House of Commons, Volume 360, Sp. 1353.

H0659 - 0013

H0659 - 0014

Rejected

Doenitz 60

Excerpt from the "Documents on Rules of Naval Warfare"

1 Sept. 1939 to 31 Aug. 1940

Compiled by the High Command of the Navy

Section 1, Naval War Command.

Page 273

319.

Note of the Italian Ambassador in Berlin of 15 June 1940 to the German Reich Foreign Minister regarding Italian danger zones off the enemy coasts 1).

(Translation)

On behalf of my government I have the honor to inform you, that the French Admiralty, notifying seafarers on 12 June, has communicated the following:

"The French Admiralty, due to the laying of mines, declares as dangerous for navigation the following zones:

1) all waters along the Italian coasts and the coasts of Italian possessions up to 500 meters of sea depth,

2) the estuaries of Bonifacio and the passage between Corsica and the contine

3) the zone limited by the sea point 30° 30' North, 10° 20' East, Pantelleri and Cape San Marco.

.....

1) According to official information.

H0659 – 0015

Field May 11

103

Doenitz 60

Excerpt

from

"Documents on Rules of Naval Warfare"

1 September 1939 to 31 August 1940

Compiled by
the High Command of the Navy
Section 1, the Naval War Command

Page 6

5.

DNB report of 4 March 1940 regarding an interview of Grand Admiral Raeder with a representative of the National Broadcasting Company, New York, regarding the principles of German naval warfare. 1)

.....

The commander in chief of the navy, Grand Admiral Dr. h.c.Raeder, gave a representative of the National Broadcasting Company, New York, an interview on basic questions of naval warfare and especially on the German viewpoint on waging naval warfare.

.....

Grand Admiral Rader then discussed the dangers threatening neutral merchant ships if they conduct themselves belligerently and thus give reason to mistake them for enemy ships. This includes sailing in convoys, which must be considered as nothing else but a substitute for the arming of merchant ships. Though the individual ships did not defend themselves, they transferred to the convoying warships the armed resistance against search according to prize law, expecting the anihilation of the attacker by these convoying warships. The German standpoint may be expressed/tersely by the formula: Whoever depends on armed assistance, must be prepared for armed attack.

H0659 – 0016

The Grand Admiral then discussed the war dangers threatening neutral merchant ships in coastal waters of a belligerent power. On the coastal forefront of a belligerent country it is naturally to be expected that both sides will fight with all modern military equipment. This is especially true of the sea region off the English coast, especially since the British Admiralty forces neutral merchant ships to sail through mine-infested areas and by the misuse of neutral flags and by the use of merchant ships for war purposes makes distinguishing between enemy and neutral merchant ships well-nigh impossible

In discussing the possibility of frequent differences of opinion, the commander in chief of the Navy spoke of President's Roosevelt's order prohibiting American shipping in the dangerous zones around England. He said the following: "This prohibition is the best proof against England's practice of forcing neutrals to sail through these zones without being able to guarantee their security. Germany can only advise all neutrals to imitate the policy of your President."

Question: "Thus, according to the present state of affairs, there is no safety for neutral shipping in the war-endangered zones?"

Answer: "Probably not, so long as England adheres to her methods .....

1) D N B of 4 March 1940.

H0659 - 0017

Filed May 11

104

Doenitz 60

Excerpt from the "Documents on the Rules of Naval Warfare"

1 Sept.1939 to 31 Aug. 1940

Compiled by the High Command of the Navy.

Section 1 Naval War Command.

Page 257 285.

Wire release of the German Foreign Office of 6 August 1940 to German missions in neutral foreign countries, regarding the German proclaimed danger zone around the British Isles. 1)

Reserving later final directive, the government there is to be notified of the following 2):

"By the war developments of the last weeks England has been driven into the center of hostilities at sea and in the air. Therefore constant hostilities have to be expected at present in the sea area around England, totally excluding safe navigation in this area by merchant ships. The entire sea area around England has thus become a theater of war operations. Every ship sailing this zone, runs the risk of being destroyed not only by mines but also by other fighting means. For that reason the German Government warns again and most urgently against sailing in the endangered zone. It must urge the ... (Insert the local country's name) government to instigate on its own account appropriate measures

H0659 - 0018

for keeping its citizens and the...(insert local country's name) ships out of the endangered zone.
As danger zone should be considered the sea area limited by a line connecting the following points:

From the Franch Atlantic coast at 47° 30' North, 2° 40' West to point 45° North 5° West to point 45° North 20° West to point 58° North 20° West to point 62° North 3° East, from here south to the Belgian coast, then along the Belgian and French coast to the point of starting.

The German Government does not accept any responsibility for damage suffered by ships and persons in this zone."

1) According to official information.

2) The notification took place on 17 August 1940.

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Filed May 11

Doenitz 60 105

Excerpt

from

"Documents on Rules of Naval Warfare"

1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

Section 1, Naval Warfare Command

Page 257 286.

Official German announcement of 17 August 1940 concerning the proclamation of a total Blockade against England 3).

1. Since the beginning of the war England has ever increasingly violated the rules set up by international law for naval warfare. It started with the proclamation that all food is contraband, which goes counter to the most primitive law of humanity. German women and children were to be affected by this, as was the case in the World War. There followed the declaration as contraband of all merchandise originating in Germany, even of merchandise in the possession of neutrals as well as merchandise exported from Germany on neutral ships. German economy was to be affected by this. Then followed the armament of English merchant ships - which is against the rules of international law - in order to use them for attacking purposes against German submarines, the misuse of neutral flags, etc.

.....

II. With the increasing realization of the uselessness of its hitherto waged naval warfare, which was against all rules of international law, England proceeded to turn to more and more brutal methods.

H0659 - 0020

The laying of floating mines, the open and camouflaged employment of merchant ships for war actions, the camouflaging of fishing boats as submarine traps, Mr.Churchill's announceme in Parliament on 8 May 1940 that in the Skagerrak during dayti all German merchant ships and during the night all merchant ships of every nationality would be sunk

1) is along these lines. However, the heaviest blow was dealt by England to the navigation of third nations by the following measures:

1) She stole merchant ships from Norway, Denmark, Holland, Belgium, and France, to replace, at least in part, her own great loss in tonnage. Ever since she has forced the owners and crews of these ships to do compulsory service for England. And
2) she tries with all means to bring all neutral shipping unde her control.

Thus England has blocked by mines -quite illegally- the most various waters, as recently the area between Greenland and England and certain areas around southern England, and she forces neutral ships to enter the English control ports. She also retains in an arbitrary manner ships of nations like Japan, the Soviet Union, and Sweden, which are not participati in the European war. But above all, she is now trying to force upon all neutral shipping the notorious Navycert System (syste of the control of commerce built up by English spy organizatio in neutral countries) Ships without Navycert it treats as prize

H0659 - 0021

In this way England tries to make all neutral merchant shipping serve its war purposes.

As far as the waters around England are concerned, normal merchant shipping traffic does not take place any longer, due to the constantly increasing battles of the air and naval forces of both sides.

Neutral merchant shipping today has its routes and actions dictated by mines, patrol boats, air patrols, English shore batteries, etc; other neutral ships are forced to sail mostly in convoys of English war ships. Today there can no longer be any question of free navigation in these waters.

The development shows rather that neutral shipping, as far as it still goes to England at all today, is subject to all dangers of war actions, and that it is misued directly or indirectly - according to circumstances - by England for auxiliary services. Thus, England herself, by her measures which scorn all international law, has made a military operational area out of the waters surrounding her islands, a circumstance which should forbid every really neutral ship to enter these waters.

The English government, through Mr. Chamberlain, its Prime Minister, at that time, on 26 September 1939 delcared that Germany was a besieged fortress and that it was absolutely legal and humane to cut off the German people from all vital supplies. That means: the present British rulers consider it absolutely a matter of course and legal, that, should things go according to their will, German women and children should be left to starve to death as they were in the World War.

v.....

H0659 – 0022

While some countries, like the United States of America and Argentina, have long since declared the waters around England to be a battle area and have forbidden ships, planes and citizens of their states to enter this danger zone, other neutral states have so far not taken such a measure.
Germany, which has repeatedly warned these countries not to send their ships into the waters around England, has now again asked the governments of these countries in a note, to forbid their ships to sail in the German-English war zone. It is in the interest of these states themselves that this request be met as soon as possible. The Reich Cabinet, for its part, must in any event state as follows:
In the waters around England naval warfare has broken out to a full extent. The whole area is full of mines. The planes attack every ship. Every neutral ship which in future sails in this area therefore runs the risk of destruction. In future the Reich Cabinet rejects without exception all responsibility for any damage which might occur in this area to ships of any kind or to persons.

''''''''''''''''

3) "Voelkischer Beobachter of 18 August 1940

1) See above No. 31

2) See above No. 28

H0659 - 0023

Rejected

Doenitz 75

Excerpt

from the

War Diary of the Naval Warfare Command 1940

(War diary Naval warfare command part A August 1940)

20 August England: Churchill makes a statement on the situation in the House of Commons. The total blockade of England which Germany has now proclaimed, he says is without significance. On the other hand, the blockade of Germany and of the countries controlled by Germany would be ruthlessly continued. Germany was responsible for a famine occurring in the occupied territories. The best way for these peoples to supply themselves with food was rebellion against the German yoke. (This is meant particularly for the French colonies in North and West Africa.)

H0659 - 0024

Rejected

Doenitz 60

Excerpt from

"Documents on Rules of Naval Warfare".

1 September 1939 to 31 August 1940

Compiled by
High Command of the Navy
Section 1 Command of Naval Warfare

III

Statement of the British Minister for Economic Warfare of 30 July 1940 in the House of Commons about the extension of the Navicert System and the expansion of the British blockade 1).

German occupation of the West European coastline from the North Cape to the Pyrenees has greatly changed the conditions of the economic war. The German Armies have succeeded in overrunning large parts of Western Europe, but the overseas imports which they require are still barred from the seas commanded by the Royal Navy. Many fewer ships are now engaged in legitimate neutral trade between Europe and the Americas. Moreover, we must now control, not only shipping approaching the Mediteranean or the North Sea, but all shipping crossing the Atlantic. To apply this control in the old way would mean diverting many ships far out of their course to contraband bases in British waters, either in this island or in West Africa. To avoid imposing such grave inconveniences upon shippers, shipowners, and crew, His Majesty's Government have decided to extend the navicert system to all seaborne goods consigned to any European port as well as to certain Atlantic islands and to certain neutral port in North Africa. In future ships sailing from a neutral port to any such destination must obtain navicerts for all items of cargo, and in addition a ship navicert at the last port of loading. Any consignment not navicerted and any ship without a ship navicert, will henceforth be liable to seizure by our patrols. The same rules will apply to outgoing trade Ships sailing from European ports, or from

H0659 – 0025

certain Atlantic islands, or from certain neutral ports in North Africa must have certificates of non-enemy origin for all items of their cargoes, and any ship whose cargo is not fully certificated will be liable to be seized together with all uncertificated items of the cargo. An Order-in-Council giving effect to these changes will be issued forthwith.

It has been suggested in some quarters that we intend to extend the blockade to certain neutral countries. This is not so. Where supplies can reach such neutrals without the risk of falling into the hands of the enemy we shall grant navicerts on such a scale as to allow imports adequate for domestic consumption but not for re-export to other countries. Moreover, it will be the policy [illegible] of his Majesty's Government not merely to allow such adequate supplies to pass through our controls, but to assist neutral countries to obtain them. These measures will greatly benefit those engaged in honest neutral trade. Delays in such trade, due to the exercise of our controls, will be much reduced. At the same time, a heavy blow will be struck at those who seek to elude our controls and to carry supplies either to or from the enemy. Our friends will be further encouraged, and our enemies discomforted, by some ingenious provisions which my right hon. Friend, the Minister of Shipping, will, I understand, immediately announce 1). Finally, I would recall that on 2nd July I informed the House that contraband control had been extended to French territory under enemy control and that no goods were being allowed to reach the enemy through unoccupied France 2). After a most careful review of all the circumstances, His Majesty's Government, have now decided, with regret, that in present conditions they must treat all metropolitan

H0659 - 0026

France, as well as Algeria, Tunisia and French Morocco, in the same manner, for the purposes of contraband and enemy export control, as enemy-controlled territory. Goods destined for these territories are, therefore, liable to be seized as contraband and goods originating in, or owned by persons in, such territories, are liable to be placed in prize. These steps, which I have now announced, are designated to smooth the path of genuine neutral trade, while increasing the strength of our blockade and avoiding all unnecessary calls upon the Royal Navy.

---

1) Parl. Deb. House of Commons Volume 363, col. 1128 f.

1) See below No. 112

2) The communication of 2 July 1940 reads as follows: "So far as what is called (unoccupied France) is concerned, contraband control is being exercised in such a way as to prevent goods reaching the enemy through any part of France."
(Parl. Deb. House of Commons Volume 362, col. 658).

H0659 - 0027

Doenitz

Rejected

E x c e r p t

from

"Documents on Rules of Naval Warfare"

1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

Section 1, Command of Naval Warfare

113.

Note of Protest of the Spanish Ministry for Foreign Affairs dated 7 August 1940, addressed to the British Ambassador in Madrid, against the extension of the Navicert System 5).

(Translation)

I have the honor of acknowledging receipt of the note from your Embassy, which Your Excellency addressed to me under number 282, and in which you inform me about certain measures which the English government has decided to take in order to tighten control of international trade.

.....

The note of Your Excellency to which I refer sets forth from your point of view the advantages which in your opinion will result for the neutrals from the replacement of old international customs by the new system introduced by the British government, that is, the previous examination and obtaining of trade permission. In the above-mentioned document the attitude is taken that ships which did not submit to the new regulations are subject to seizure,

H0659 - 0028

as it will be assumed that they, since they do not have the passes issued by the British consulates, intentionally had decided to violate the directives established by the British government.

This principle of the total subjection of world trade is morally in-acceptable, since it replaces the classical conception of the nature of a seafarer who, depending upon the kind of merchandise which he transports through waters situated in battle areas, runs a larger or smaller risk, by a new and extensive prevailing of a will, in itself very honorable, which, however, is not acceptable for the dignity of a sovereign state and without infringing on its rights to carry on trade.

. . . . . .

5) According to official communication.

H0659 - 0029

Rejected

Excerpt

from

"Documents on Rules of Naval Warfare"

1st September 1939 to 31 August 1940

Compiled by

High Command of the Navy

1st Dept. Naval War Command

114.

DNB-announcement of 24 August 1940 concerning the subjecting of Neutrals to the British Navicert System 1).

.....

Only England's interests will decide the approval or disapproval of Navicerts. Therefore, whoever submits voluntarily to this control procedure carried out in the British interest, identifies himself thereby with England's intentions and aims, furnishes support to their execution and realization, and therefore commits an unneutral act.

Neutral ships with British navicerts undoubtedly facilitate British control of the seas, by relieving British naval forces of the necessity of stopping, searching and bringing [illegible] into port such merchant vessels and thus freeing these men-of-war for other tasks.

A conduct which results in such alleviation for the naval-strategic position of a belligerent country is incompatible with true neutrality. According to International Law the possibility is presented without doubt, of treating neutral ships with British navicerts as enemy ships or as ships guilty of supporting the enemy.

H0659 - 0030

Since England herself advocates this conception without limitations and since the judicial decisions of other states have for a long time recognized this principle, it is beyond all doubt that Germany, too, would be justified in drawing the corresponding conclusions with regard to such neutral ships.

Japan has already declared that she will not permit the exercise of British control and that her ships are not allowed to apply for navicerts. This shows that those states which see conditions clearly and do not permit themselves to be intimidated by British threats which have no foundation today draw the right conclusion. A like procedure may be expected of states which want to maintain their full neutrality and sovereignty. In view of the deterioration of England's seapower it will not do any longer for neutral states to partake in the carrying out of the English plan of starving Europe through voluntary compliance with British demands.

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1) "Voelkischer Beobachter" of 25 August 1940.

H0659 - 0031

Read May 11

Document D 642 (8) -GB 196-

E x c e r p t
from
Permanent Order Nr. 122

(without consideration of the cover added later)

Not to be sunk are:

a) all ships readily recognized as neutrals so long as they do not
1. move in an enemy convoy
2. move into a declared danger zone.

b) Unarmed enemy passenger ships as long as they are not in enemy convoy,..
Only those ships are to be regarded as passenger boats which in the opinion of the Commandant have facilities for more than 120 passengers. An estimat may be derived from
the numberof decks
the length of the promenade decks
the number of boats (more than 4 on each side)

c) Hospital ships.....

H0659 - 0032

Entered May 11

Doenitz 76

E x c e r p t

from

War Diary Naval War Command 1942

(KTB Skl Part C vol. VIII,1942)

10 January 42 The Naval War Command has asked the Foreign Office because of the new extension of the war to point out once more to the neutral, seafaring nations with the exception of Sweden the necessity of marking their ships carefully in order to avoid having their ships mistaken for enemy ships. According to experiences gai in the war the discernibility of the neutral character of the ships is guaranteed only when the national color are clearly painted on the sides and on the deck and are brightly lit during the night together with the fl

21 March 1942 Via Naval Attache Lisbon and Madrid the importance of sufficiently marking their merchant vessels was pointe out once more to Spain and Portugal. The Naval Attache in Madrid reports in this connection that the Spanish merchant vessels have been ordered as early as beginnir of September 1939 to bear distinct marks of their nationality.

3 September 42 The Argentine Navy has recently undertaken tests with a merchant ship in order to examine the visibility of neutrality markings by a submarine. Since it was found that the markings could be recognized only poorly from a submerged submarine especially from the front, a modification of the hitherto existing markings is supposed to be projected. The commander of the submarin forces has been informed.

H0659 - 0033

Filed May 11

Doenitz 77

Excerpt

from

War Diary of the Commander of the submarine forces 1942

(KTB BdU June 1942)

24 June 42 2.) All commanders are once more exhaustively instructed as to their conduct towards neutrals.

.....

Filed May 1, 1946

Doenitz 78

Excerpt

from

War Diary of the Commander of the Submarine Forces 1942

(KTB BdU November 1942)

23 November 1942 U 519 reports brightly lit steamer CG 7111 and requests permission to attack. Since there is large neutral traffic in this region, order to break up supply. It does not seem excluded however, that the enemy has some ships move with lights in order to avoid direct attacks in this manner.

(KTB BdU December 1942)

2 December 1942 U 67 DF 8175 Portuguese naval tanker Sambras from Lisbon to Curacao. No papers aboard. Boat receives orders to act in accordance with regulations, i.e. to let ship go.

H0659 - 0034

H0659 – 0035

Read May 8

Excerpt

from

Document D 460 - GB 198 - War Diary of the Commander of the U-Boat forces

25 September 1942 .....

IV d)

U 512 reports that "Monte Gorbea" has been recognized as neutral ship before having been torpedoed. Assumed suspicions for being camouflaged Englishship insufficient and do not justify sinking. The Commandant will have to stand court-martial for his conduct. All boats at sea will be informed.

.....

27 September 1942

IV d)

Radiogram to all. The Commander-in-Chief of the navy has personally and expressly ordered anew that all U-boat commanders are to comply exactly with the orders concerning the treatments of neutral ships. Violations of these orders will have incalculable political consequences. This order is to be disseminated at once to all commanders.

.....

H0659 - 0036

Filed May 11, 1946

Doenitz 79

Top Secret !

Exam. No. 907

1 August 1944

Permanent War Order of the Commander of U-Boat Forces No.105

(Revision of 1 August 1944)

(Version of 1 April 1943 including all amendmendments herewith loses its validity.)

Neutral shipping and special orders for its treatment.

a) Besides their national colors, the majority of the ships of neutral countries have painted on their sides neutrality markings (national colors, national emblems) which are lit at night.
b) It must be expected of all neutral ships that they marked themselves distinctly as neutrals for day--and night conditions and conduct themselves accordingly.
c) In all cases in which a U-boat despite objective and careful observation is mable to determine the neutral character of a ship, it must assume that it is faced with an enemy ship.
d) Maritime agreements have been concluded with Spain, Portugal, Sweden and Switzerland according to which the transocean traffic of these countries operates under German control (in the case of Sweden this involves only the ships of the Goeteborg and Greece traffic. These countries are permitted to a certain extent to export goods to enemy countries (ships are therefore not to be considered as carriers of contraband.) In order to supervise the compliance with the maritime agreements it is desired to stop ships of these countries into and to establish and to note by virtue of the ships papers the essential contents of the load if thereby no possibility of danger arises for the boat. In the case of Spanish and Portuguese vessels the passenger lists are to be examined and if possible to remove from the ship enemy citizens liable to military service.
e) Special directives on the part of individual countries and regulations concerning the treatment of their ships.
   1. Sweden (ships engaged in Goeteborg and Greece traffic) Encl.1.
   2. Spain, Portugal, Switzerland, see encl.2
   3. Ireland, Argentine, Chile, see encl.3
   5. Fishing vessels recognized as of Spanish and Portuguese nationality are to be spared everwehere.
   6. The Spanish are permitted to fish on the Sole-banks.
      The zone released for fishing is defined by the following four geographical points:

1. 49	degrees North,	11	degrees West
2. 51	" " ,	11	" "
3. 51	" " ,	8	" "
4. 48	" " ,	8	" "

The ships leave from Northern Spanish ports in Western directions within the zone free of English blockade up to point 44 degrees 5 minutes North and 12 degrees West, from here North to 12 degree West longitude to 49 degrees North.

H0659 – 0037

Filed May 11, 1946

Doenitz 80

Excerpt

from

Address by the Fuehrer in the Sportpalast on 30 January 1941

(Voelkischer Beobachter, Friday 31. January 1941)

.....

And what do they hope for? For somebody else's help? America? I can say only one thing:

From the very beginning we have counted on every possibility.

That the German people has nothing against the American people is clear to everybody who does not want to twist the truth purposely. Germany has never yet pursued interests on the American continent with the exception that Germans helped to fight for the freedom of that continent. If countries of this continent now attempt perhaps to intervene in the European conflict the aims will change that much quicker. Europe will then defend itself.

One should not deceive oneself about this - whoever believes to be able to help England must at any rate know one thing. Every ship that comes in front of our torpedo tubes whether with or without convoy, will be torpedoed.

H0659 – 0038

Rejected

Doenitz 81

Excerpt

from

War Diary of the Naval War Command 1939

(KTB Skl Part C vol. VIII, 1939)

Page 6:

3 September 1939 .....

Morning: British cruiser "Ajax" sank German freighter "Olinda" vicinity of Southern Brazilian port Rio Grande, after the crew had been saved.

Legal estimate according to International Law: British procedure illegal in case the attack should have happened within neutral waters.

.....

H0659 - 0039

Repeated

Excerpt

from

the War Diary of the Naval War Command of 1940

(KTB Skl Part D Foreign Press File 1940)

OKW "Ausland/Abwehr" 128/40 Secret

Report of Monday, April 25th 1940. a.m.

With reference to the German information concerning the attack by British aircrafts of unarmed German merchant ships, Reuter reports:

An official of the English Air Ministry has declared, that at no time have any orders for the attack of unarmed merchant ships been issued, but that the identification of armed commercial ships is not always possible.

Filed May 11, 1946

Doenitz 83

vide FB 191

E X C E R P T

from

The War Diary of Submarine U-3 1939

(KTB U-3 September 1939)

30 Sept.1939 10.17 Surfaced and headed above water toward the steamer, at a low speed gradually increasing to full speed. "K" signal given, later the international signal "KNX". The steamer recognizes the boat very late, since the boat approaches in the sun. The steamer turns away gradually and increases speed. The boat comes up only very slowly.

Obvious attempt to escape!

11.06 The Steamer can be clearly recognized as the Danish steamer "Vendia".

11.11 Boat reduces speed and prepares the machine-gun.

11.14 Several warning shots are fired across the steamer's bow. The steamer stops very slowly; nothing happens for a while. Then some more shots are fired. The "Vendi lies into the wind.

11.24 For 10 minutes nothing can be recognized on deck, which could remove the suspicion of a possible intentionel resistance; at 11.24 hours I suddenly see waves (Bugsee in front of the steamer and screw movements. The steame turns sharply toward the boat. My opinion that this is an attempt at ramming is shared by the officer on watch and the first mate. Consequently, I turn with the steamer. A torpedo is fired 30 seconds later: point of aim, bow; point of impact, extreme rear of the stern. The stern is torn off and goes down. The front part is still afloat.

At the risk of the life of the crew and the boat, (heavy sea and numerous floating pieces of wreckage), 6 men of the Danish crew are rescued, among them the captain and the helmsman. Other survivors cannot be recognized. During this time, the Danish steamer "Sawa' approaches and is stopped; it is requested to send the papers in a boat. It is carrying a mixed cargo from Amsterdam to Copenhagen. The 6 persons rescued are transferred to the steamer for repatriation.

H0659 - 0040

H0659 - 0041

Because of the short time, the captain could not be interrogated by the commandant himself. The captain was very obdurate and made a not very sympathetic impression; he admitted only that he had turned toward the boat; he declared that he had had no cargo on board, only water ballast. These declarations seem to be untrue:

1. according to the behavior of the captain,
2. according to the explosion-like phenomenon that occurred at about 1205 in the foreship and which made the steamer sink enveloped in a grey-black cloud of smoke.

The helmsman was more approachable. He cursed the English and wished us that we might "smash the English".

1308 Submerged and reloaded torpedo.

After the crew of the steamer had been tranferred, it was learned that the engineer of the steamer had told Masch.Gefr. Blank that the captain had had the intention of ramming the submarine.

The steamer "Vendia" was sunk according to the Prize Ordinance, Article 35.

H0659 - 0042

Read May "

C 122-GB 82-

Excerpt

from

War Diary of the Naval War Command

(KTB Skl Part A October 1939)

3 October 1939 Economic warfare with submarines 1939:

The report of the returned "U 3" (1st Lieutenant Schepke Navy) demonstrates the undeniable fact, that the Danish steamer "Vendia" as well as the Swedish steamer "Gun" have headed in an inexcusable manner towards "U 3" with a view to ramming it. The affair is cleared furthermore by a personal report of the commandant to the Foreign Office, and leads, on October 4th, to a protest to the Danish and Swedish governments.

H0659 - 0043

Filed May 11, 1946

Doenitz 84

Excerpt

from the

War Diary of the Submarine U48, 1940

(KTB U48 of 14 September to 19 September 1940)

17 September 1940
1002

Convoy sighted. Course about 240 degrees. Speed 7 nautical miles. Contact maintained, since underwater attack is no longer possible because of the heavy swell. No escort can be seen with the convoy.

1200 North-west of Ireland, WNW 7

Position: Qu. 3911 AL
Day's reckoning: 16 September to 17 September. 162 nautical miles.

sea 7, overcast, at times drizzle, visibility fair heavy swell

1600 North-west of Ireland WNW 6, sea 7, cloudy, clear, shower, visibility good, high swell

Position: Qu. 0253 AL

2000 North-west of Ireland WNW 4, sea 5, overcast, clear, visibility good.

Position: Qu. 0245 AL

2345

Position: Qu. 2966 AL

2400 Nort-west of Ireland WNW 4, sea 4, cloudy, clear, visibility good, moonlight

Double shot from tube III and IV at a passenger ship sailing in the middle of the convoy. Both shots missed, as the position was overestimated by about 30 degrees. Turned to the front and followed the convoy for a short time.

signed Bleichrodt

18 September 1940
0001

Fired tube I, again at the passenger ship. Hit aft after 119 seconds of running time. The steamer is stopped and launches all life-boats. It radios an SOS. It is the 11081 ton steamer "City of Benares"

H0659 – 0044

0007 Fired tube I^1 at a freighter. Hit after 43 seconds running time. h. 50. Steamer also radios SOS. It is the English Steamer "Marina", 5088 tons. The convoy disbands and the ships continue separately. We pursue a medium-sized tanker.

0027 Bright moonlight, varying visibility rain squalls During the turning maneuvre made with the purpose of firing on the tanker from the stern, it sees us, turns away, and fires with artillery.

H0659 – 0045

Doc. D.644-GB 192

Excerpt from:

The sinking of the "SHEAF MEAD"

War Diary of the Submarine U 37

27. May

.....

1243 Wireless from the Commander of the Submarine Fleet

"Enemy auxiliary cruisers operating between 41° to 42° 30' and 10° 30' to 11° West against German steamers sailing from Vigo."

.....

1444 ... I stick the periscope out higher - Hurrah, at the stern a gun, about 7.5 cm, another gun, anti-aircraft mortar (Fla MW) or something like it. At it! This cannot escape any more. Periscope out, observe. Behind the smokestack a partition - canvas and wooden lathing. Hit aft 30. Distance was 320 meters. Stern immediately sinks considerably deeper. People rush into boats. Bow rises. View all round.

.....

1648 Whether it sailed as a normal merchant vessel, I consider questionable. The following speaks against it:

1. The course. It must have come from a Spanish port and then navigated outside the normal waterways.
2. The blue square with the yellow cross on its side. Could be a tactical sign.
3. The circumstance that it carried no name and was painted gray.
4. The order and discipline on the part of the crew when the ship sank and afterwards. The men were not uniformed, though

H0659 - 0046

5. The peculiar partition aft of the smokestack, behind which another gun could be hidden.

.....

H0659 - 0047

Rejected

Doenitz 85

Excerpt

from

War Diary of the Naval War Command 1941

29 October

According to a Reuter dispatch the American Secretary of the Navy, Knox, declared .....

In reply to the question whether German U-boats had actually been sunk, Knox told the press:
"When we sink U-boats we will decide in each instance on the question of whether we shall announce it, by keeping in mind the security of the US crews and the victory of our armed forces. . . (-cf. , 25 October 1941) The mysterious disappearance of U.-boats, however, will not fail to have its effect on the morale of the German U-boat crews.

.....

H0659 - 0048

Filed May 11, 1946

Doenitz 86

Excerpt

from

War Diary of the Naval War Command 1940

(KTB Skl Part C Issue VIII 1940)

5 March The naval forces are given orders, with regard to the conduct of trade warfare, that U.S. ships should neither be stopped nor seized nor sunk. The reason was the assurance given by the Commander in Chief to the American Naval Attache, whom he received on 20 February, that German submarines were under orders not to stop any American ships. All difficulties that could arise from trade warfare between the USA and Germany are thereby to be eliminated from the start.

H0659 – 0049

Filed May 11, 1946

Doenitz 87

Excerpt

from

War Diary of the Naval War Command 1940

(KTB Skl Part B 1940)

Top Secret !

Copy !

Berlin, 4 April 1941 1. Skl. Ii 7997/41 top secret

SSD

Teletype message to: 1. Group West

2. Group North

3. Commander of Submarine Operations

The following wireless is directed to all ships at sea:

American neutrality zone from now on to be observed south of 20 North only at a distance of 300 nautical miles from the coast. For reasons of foreign policy, the hitherto existing limitation will for the time being continue to be observed north of the above-mentioned line.

Naval War Command

B. No. I i 7997/41 top secret.

Filed May 11, 1946

Doenitz 88

President Roosevelt

"America and Germany 1936-1945"

(Excerpts from Speeches and Documents)

Published on behalf of the Government of the United States.

.....

Excerpt from the speech of 11 September 1941

.....

Hitler knows that he must win mastery of the seas if he wants to win mastery of the world. He knows that he must first tear down the bridge of ships which we are building over the Atlantic, over which we continuously transport the war material that will help destroy him and all his works in the end. He must destroy our patrols on the sea and in the air.....

H0659 - 0050

H0659-0051

Rejected

Doenitz 89

E x c e r p t

from the

War Diary of the Naval War Command 1941

(KTB Skl Part C Issue VIII 1941)

Compilation of Violations of Neutrality and or Measures Hostile to the Axis on the part of the U.S.Government.

4 September 1939: With the going into efect of the American Neutrality Law, Roosevelt starts the propaganda that the Neutrality Law must be amended and the embargo on arms repealed. 1939

3 October 1939: The introduction of a pan-American security zone is to bring the Allies one-sided advantages under the cloak of pan-American security.

4 November 1939: In response to Roosevelt's efforts the Neutrality Law is amended, the prohibition against exporting arms repealed. Instead, the cash and carry clause is introduced. Shortly thereafter efforts start already to repeal the cash and carry clause.

20 October 1939: The American ports are prohibited to submarines on the basis of the Neutrality Law. Armed merchant ships are exempt from the prohibition, therefore onesided favoring of Great Britain.

H0659-0052

7 November 1939: United States Lines authorized to travel under the flag of Panama in order to evade the Neutrality Law.

1940

2 Februar 1940: The Skl (Seekriegsleitung-Naval War Command) learns from an absolutely sure source that the US cruiser "Trenton" on 27 Januar 1940 informed French naval forces of the movements of three German merchant steamers. The suspicion, frequently entertained, that the steamers "Columbus" and "Arauca" on 19 December 1939 fell into the hands of the British pursuers through the help of US naval forces, is confirmed.

8 June 1940: Roosevelt declares that return shipments of ammunitic and material from armed forces stocks to factories for the purpose of delivery to England are permissible

7 June 1940: Proclamation to limit the right of free movement (Freizuegigkeit) in US ports and the Canal Zone for foreign merchant ships. The measure is in practice applied only against ships of the Axis powers.

3/4 September 40: 50 older US destroyers are turned over to England in exchange for British naval and air bases.

H0659-0053

12 Oct. 1940: Economic measures against German patents.

November 1940: Shadowing of the German steamers "Phrygia", "Idarwald", "Rhein" by US war ships in West Indian waters, so that the ships had to sink themselves lest they fall into the enemy's hands.

30 Nov. 1940: US President held out the prospect of increased aid by:

1) turing over more destroyers,
2) selling American merchant tonnage
3) tolerating the use of American volunteers in English and Canadian units (also pilots)
4) American observation of German merchant destroyers and privateers.

5 Dec. 1940: More sales of American merchant ships to England.

21 Dec. 1940: Signing of a treaty between an English purchasing commission and Todd Shipyard concerning the delivery of 60 ships to England.

1941

14 Jan. 1941: Shipment of war-ready planes and volunteers for service in the British armed forces from North American ports to Iceland and the Faroe Islands on American steamers.

6 Feb. 1941: Negotiations between London and Washington on the intensification of economic warfare against the Axis powers.

H0659-0054

12 Feb. 1941: Construction of another 28 merchant ships for England in American shipyards.

4 March 1941: Dispatch of 8 old US submarines from Manila to British Borneo and of 4 submarines to Hongkong.

13 March 1941: The Lend-Lease Law (Englandhilfsgesetz) of 11 March 1941 put into effect. Delivery of all kinds of armament material to England (and other American states). Testing and repair of any kind of armament material for these countries, above all repair of foreign warships in US ports, turning over all information on armament material.

15 March 1941: For the time being, 18 speed boats, 17 old destroyers, 55 submarine chasers, 11 old submarines earmarked for handing over on the basis of the Lend-Lease Law ("England-hilfsgesetz").

18 March 1941: Construction of an air base on Greenland planned by USA.

23 March 1941: Arrest and extradition to Canada of 2 German naval officers who had escaped from Canadian captivity.

25 March 1941: Law for Surveillance and Internment of Foreigners whose deportation is ordered.

1 April 1941: North American steamers enter West African ports, where they unload war material for England.

H0659-0055

11 and 12 April : Transfer of 10 US coast guard ships to England.

From spring 1941 on: As a result of the Lend-Lease Law ("Englandhilfsgesetzes") English war ships are continucusly repaired in US shipyards.

15 April 1941 Greenland is included in the US system of joint defense of the Western Hemisphere.

13 April 1941 US ships permitted to travel through the Red Sea for the purpose of supplying British forces in Egypt, etc.

17 April 1941: Bill on commandeering of foreign merchant ships lying in American ports.

17 April 1941: Transfer of 4 newly built ships to the British Government.

18 April 1941: 1) Far-reaching surveillance of the Western sea zones and transmission of results to British shipping by US

2) Preferred overhauling and repair of British warships in US shipyards.

23 April 1941: Far-reaching collaboration, especially in the field of war economy, between USA and Canada laid down in a joint declaration by Roosevelt and Mackenzie King.

24 April 1941: Intensification of the measures against German prisoners of war seeking refuge in USA.

H0659-0056

26 April 1941: 20 motor torpedo boats turned over to England.

26 April 1941: Construction of convoy vessels in Canada for England ordered and paid for by the US Government. Establishment of a patrol service with naval and air forces extending up to 1000 nautical miles in the Western Hemisphere.

3 May 1941: Planned commandeering of 2 million tons of merchant shipping tonnage for Britain's account.

12 May 1941: Arming and repair by US Government of 200 Norwegian steamers employed in the service to England.

19 May 1941: 77 steamers of the American Red Sea Line made available for shipment of war material to the operational zone of the Middle East.

28 May 1941: Contracts concerning construction of another 123 merchant ships signed in accordance with the Lend-Lease Law ("Englandhilfsgesetz").

29 May 1941: Intensified measures against German citizens in USA. Arrest and penal prosecution of German seamen.

4 June 1941: Transfer of fairly strong American troop units to Greenland for the construction of airfields.

9 June 1941: 50 American tankers made available for England.

H0659-0057

10 June 1941: US law on the confiscation of 80 foreign ships lying in ports.

10 June 1941: The London radio announced on 9 June that a German submarine was tracked down near Greenland by a US patrol boat. The American boat dropped depth charges afterwards. The Skl. (Seekriegsleitung - Naval War Command) did not receive any confirmation of the incident.

14 June 1941: Decree of the US President concerning the freezing of German, Italian, and other European credits.

15 June 1941: US note to the German Reich requesting that German consulate employees, the members of the German Information library, the Transocean agency, and the Reich Railway central office be withdrawn.

27 June 1941: According to an American newspaper article, an American neutrality patrol maneuvered a German merchant ship into the hands of British forces.

7 July 1941: Occupation of Iceland by US forces.

10 July 1941: US Secretary of the Navy Knox announced that Roosevelt had issued new instructions to the US Navy which go considerably beyond the hitherto existing order of reporting sighted German forces to the British fleet. (Order to fire).

H0659-0058

17 July 1941: A decree by Roosevelt concerning the establishment of the "Proclaimed Lists" (black lists of anti-Axis firms in Latin America).

25 August 1941: Report on the stay of numerous American technicians in Northern Ireland, who live there in a closed settlement and under their own administration (establishment of news centers for convoy? Construction of airfields?)

4 September 1941: "Greer" incident. US destroyer "Greer" operated together with English plane against German submarine in the Atlantic.

9 September 1941: A German submarine which on 9 September attacked a convoy about 50 nautical miles east of the southern point of Greenland established beyond a doubt that the convoy escort was a US destroyer (American flag and destroyer designation).

11 September 1941: Roosevelt confirms the order to fire in his speech.

12 September 1941: The prohibition as a matter of principle against US citizens travelling on ships of beligerents is relaxed.

29 September 1941: According to an advance report of the B.d.U. (commander of the submarine fleet), U 433 was attacked by US escort with depth charges 40 nautical miles east of Greenland.

H0659-0059

Part of

C.A.F.O.2512/39 (Confidential Order for Fleet from Admiralty) (F) Navy personnel in service on merchant ships equipped with defensive armament.

Sailors of the Navy or members of the Marine will be made available by the Admiralty - as far as circumstances permit - for merchant ships with defensive armament in the following proportion:

(a) On boats with 6-inch and 5.5-inch guns - 2 sailors, one of them as gun pointer.

(b) On boats with 4.7-inch guns and smaller - 1 sailor as gun pointer. Further sailor crews cannot be furnished for possible second guns.

D.N.S. 10 I

209 Servicing of the gun.- (a) In order to have the guarantee that the gun crew of each gun has a nucleus of fully trained men, care is to be taken that among the crew of each merchant ship armed for defense there is one sailor of the Navy or a Marine as gun pointer or one or two men especially experienced in operating guns. As it is not to be expected that anti-aircraft guns and high-angle guns will have to be used at the same time, these crews are to operate whichever guns may be in action.

(b) According to merchant shipping laws the gunners of the Navy and Marines are under the command of the captain in the same way as all other members of the ship's crew. But they are also subject to the law on discipline in the Navy, and any violations of discipline committed by them are to be reported by the captain to the senior officer who in the port of destination is the superior for the men assigned to merchant ships with defensive weapons. See Art. 210.

They are only to be used for duties connected with armament or with look-out service. However, they have the duty to cooperate at all times for the general good of the ship, and they have to keep their own quarters clean and in order. (c) The gun pointer is in command of the gun crew. Furthermore, he is responsible to the captain and the gun officer for the careful

H0659-0060

maintenance of the guns and the ammunition as well as of all articles connected with their operation.

(d) Training.- In addition to the gun pointer and the men specially trained for operating guns, further men are needed to complete the operating crew (depending on the size of the gun, five to seven men) and for bringing of the ammunation from the magazine. The ship's possibility of self-defense depends to a high degree upon the training of these men, who most likely do not have any previous experience with artillery. The training in the outfitting ports takes place in accordance with the time available, by the personnel mentioned in paragraph 210 above; however, it is to be continued at sea by the gun officer and the gun pointer. The men must drill constantly at the gun, if the ship is to be able to defend itself successfully in case of attack.

H0659-0061

Doenitz 60 106

E x c e r p t

from

"Documents on Rules of Naval Warfare"

1 September 1939 to 31 August 1940

Compiled by

High Command of the Navy

Section 1, Naval War Command

Page 248

276.

Circular decree of the French Minister for the Merchant Marine, dated 11 November 1939, concerning the creation of an insignia for crew members of French merchant ships who can be mobilized, 1)

Creation of a special insignia for the personnel on merchant ships who can be mobilized.

By analogy with measures taken during the war of 1914-1918, I have decided to create a distinctive insignia for the personnel belonging to the classes that can be mobilized(registered sailors and general service employees) who are, on special duty, on board of merchant ships which are, or are not equipped with defensive armament.

This insignia, which is intended to be worn on civilian clothes, will consists of an armband of blue material with a vertical anchor of red wool.

This armband can be worn only in France or in the French colonies. In any event, the men who have been provided with it must not wear it when they are in foreign territories.

It will be furnished by the clothing service as special issue.

For the Minister and by his order:

The Rear Admiral
Head of the Military Cabinet
Gouton

1) Official Bulletin of the Merchant Marine 1939, Page 543.

H0659-0062

We,

Theodore Lit,
Virginia von Schon,
Bert Stein,

hereby certify that we are thoroughly conversant with the German and English languages and that the above is a correct translation of Document Book Nr. II Doenitz.

2 May 1946.

Theodore Lit
X 046185
Virginia von Schon
X 046318
Bert Stein
B 21o875

H0659-0063

Filed May 13

Doenitz 90

Affirmation in lieu of Oath

by

Vice Admiral, retired, Bernhard Rogge, dated 2 April 1946

From the time Ship 16 (Auxiliary Cruiser Atlantis) was placed in service in December 1939 until she was sunk on 22 November 1941 I was Commandant of the ship.

On 22 November 1941 the Auxiliary Cruiser had met at about 0700 hours Central European Time the "U 126" (Bauer) at the meeting place ordered by the Naval War Command and at once taken the boat in tow for the purpose of carrying out the projected taking on of supplies. Shortly after 0800 hours three mast tops were sighted. Immediately afterwards a cruiser of the "Dorsetshire Class" was recognizable beyond doubt which was sailing towards Ship 16 just as the airplane catapulted off her.

The British cruiser kept a distance of 160-200 hm, shot a stopping salvo, demanded identifications signals and continued to keep herself outside the artillerryange of the auxiliary cruiser while travelling back and forth at top speed.

As soon as the British cruiser had been sighted the tow ropes connecting the auxiliary cruiser and the U-Boot were untied and the oil pipeline cut. By the time the U-Boot had submerged the English airplane had come up rather closely. While the airplane kept on circling the stopped auxiliary cruiser and flashed light signals, it was attempted to answer the identification signal requested by the English airplane and cruiser, by means of flag and morse signals.

After more than an hour had passed during which the auxiliary cruiser delayed matters by insufficiently answering the British identification signals the "Devonshire" started shelling the ship. Defense was impossible due to the lack of artillery range.

After the sinking of the auxiliary cruiser the English plane circled several times the place of sinking as well as the crew members of ship 16 floating in the water or safe in life saving implements, and then flew out of sight range.

It was possible to take the crew members floating in the water into the life boats or save them by other life saving implements. Later on a tow train was formed which was taken into tow by the U-Boat.

H0659-0064

After having been towed for 36 hours the crew was picked up by the V-ship (possibly supply ship, Transl.) Python which, subsequently, sailed in a Southerly direction to a meeting place ordered by the Naval War Command, which was reached on 29 November 1941.

On 30 November at about 1600 hours again 3 mast tops were sighted which was recognized immediately as cruiser of the Dorsetshire class and which was sailing directly towards the meeting place. Request for identification signal as on 22 November 1941. Since a defense was impossible the sinking of the Python was started at once. The crew was ordered to abandon ship the bridge was set afire and the ship blown up. After the ship, having been blown up, sank in flames the crews of Ship 16 and V-Ship Python were collected in lifeboats and other lifesaving implements. During the distribution of the two crews among the various crafts a British ship plane came into the immediate vicinity.

At both sinkings no attempt was made - possibly due to danger involved for British cruiser - to save even individual crew members.

Filed May 13, 1946

H0659-0065

Doenitz 91

Excerpt

from the

Affirmation in Lieu of Oath of Dr. Joachim Rudolphi

concerning the resistance of the defendant Doenitz against the endavours on the part of the NSDAP to extend the jurisdiction of the Peoples's Court also to the Armed Forces.

All official documents pertaining to this matter, in the High Command of the Navy (OKM) have been lost in part through air-attacks and in part through other enemy action. Since I worked on these matters in the group "Jurisdiction" I believe I am able to recall reliable facts.

I.

.....

II.

Early in the summer of 1943 the first threatening attempt to undermine the non-political legal system of the Armed Forces was initiated. Utilized for this purpose was the Reichsminister of Justic who had been previously or was to be appointed "Reichs Commissioner for the entire legal life" I do not know that exactly. At any rate th Reichs Commissioner submitted to the OKW as the Agency alone authoriz to deal with ministerial matters within the Armed Forces, a draft according to which in the future all trial proceedings for politicall corrupting statements, for violations of the malicious acts law and for all punishable actions to which even a distant political taint could possibly attributed, were to be carried out by the People's Court and special courts of civil jurisdiction, exclusively.

This draft was intolerable. The main objections against it were: 1) The draft was suited and probably also intended by means of exerti influence upon the legal system of the Armed Forces, to keep under political surveillance all the commanders serving as judges; it was further intended to weaken the command power and to extend the rule of the party also to the Armed Forces.

H0659-0066

2) The regulations were formulated so broadly and unclearly that they could be extended to additional spheres without effort.

3) In technical respect they did not at all consider the living organi of the Armed Forces. Thus, for instance the individual military judge in their capacity as heads of the investigations were to report direc and to receive instructions from him just as directly, i.e. under circumvention of all of their own agencies.

Or: The Minister of Justice, after hearing the Chief of the OKW should himself decide alone whether a soldier was to be discharged from the Armed Forces because of such an accusation and whether he could be taken back again later on.

I was greatly worried whether it would be possible to ward off this heavy attack and intervention of the party. At that time (August 1943) the Commander in Chief of the Navy was told in detail all profes sional and political objections to this impending further development in the draft of a negative reply submitted, to him. To the satisfaction of everyone the Commander- in Chief of the Navy sided at once and without hesitation with the proposed view point and refused to make any concessions whatsoever. The final negative reply to the OKW was drafted according to his instructions. Since the Commander-in-Chief of the Navy was full occupied during that day with continual conferences I had to submit this draft to him at night at his private residence in Berlin-Dahlem. (I recall this fact so well because this was the only instance during the 27 months of his activities of the Commander-in-Chief of the Navy, that I entered this house.) There he himself examined every sentence carefully, in fact every single word and sometimes worded it even more strongly.

This fully negative view-point of the Commander-in-Chief of the Navy was received in the legal office of the OKW with great satisfacti The Chief of the OKW himself at first seemed to object to forwarding this opinion to Hitler. Finally, the Judge Advocate General, General Dr.Lehmann succeeded in bringing about a conference on this question between the Chief of the OKW and the Commander-in-Chief of the Navy in the OKH which took place approximately end of August or early in September 1943.

H0659-0067

As was established in this conference the Chief of the OKW thought to know from various discussions with Hitler that the latter himself attac greatest value-especially after Mussolini's downfall- to a settlement in accordance with the requests of Reichsleiter Borrmann and Reichsminister Dr.Thierack. Therefore the Chief of the OKW considered it for- as he called it- "tactical" reasons as imprudent to provoke in this matter a negative decision by Hitler, directed against the Armed Force Against these objections the Commander-in-Chief of the Navy declare firmly and imperturbably that he would never stand for such political meddling in naval matters, as long as he carried the responsibility as its head. He was willing in place of the Chief of the OKW at once to Hitler, personally. The Chief of the OKW had no objections to that.

This matter seemed to the C.-inC, of the Navy of such an importanc that he had postponed for 24 hours extensive maneuvers between U-Boot and Coast Guard Units along the French Atlantic coast which had been prepared along time in advance and to which place he wanted to fly immediately following this conference. Instead he flew at once to the Fuehrer Headquarters in East Prussia and was successful. As he stated after his return, Hitler at that time did not close his ears to the weight of his counter reasons and had ordered that this projected decre rest for the time being.

III.

After additional personnel changes in the Reich Ministry of Justic (around New Year 1943-1944) it became known that the new State Secretary had brought along a so-called "dowry from the Party" the firm promise of the Party Chancellory in Munich regarding full support for the projected efforts of giving a political caracter to the legal system within the Armed Forces. In early summer 1944 the signs for an impendir new political attack from this side became innumerous. Soon afterwards at the latest after the assassination attempt on 20 July 1944 the Reich Minister of Justice made the same political demands as in 1943, but in a broadened and more skillfull form. As compared to 1943, the attitude of the Wehrmacht towards them had changed considerably: it is true the new draft, too, appeared ruinous to the Reich Marshall, as was stated;

H0659-0068

he could or would not undertake anything against it any longer because his political positions had meanwhile been weakened to a considerable extent. The Chief of the OKW also had misgivings concerning the draft but believed it could not be successfully contradicted after the happenings on 20 July 1944. The High Command of the Army felt incumbered in its inner attitude which was negative towards the draft, in that Hitler himself was the supreme commander of the army and approved of this draft. The hopes of all forces within the OKW as well as within the three branches of the Armed Forces opposing the draft, were therefore directed towards the Commander in Chief of the smallest branch of the Armed Forces, the Navy. Grand Admiral Doenitz did not dissappoint them. Clearly and resolutely he clung to his opinion that the projected decree was wrong, dangerous and harmful to the Armed Forces. Again all counter reasons against the break through of political powers and the Gestapo into the legal system of the Armed Forces were compiled objectively but sharply, and submitted to the OKW. In addition the legal office of the OKW attempted in vain to win over the Chief of the OKW to a negative view point which would base itself on the opinion of the Commander in Chief of the Navy. The second report by the C. in C. of the Navy to Hitler did not retard the development this time, because Hitler - according to the C. in C. of the Navy, referred to the 20 July 1944. Hitler signed on 20 September 1944 the hotly fought over political decree concerning the incorporation of the People's Court and the special courts into the legal system of the Armed Forces.

Subsequently, all disadvantages which necessarily had to result from it to the Wehrmacht, were discussed once more at the "Koralle", the Headquarters of the C. in C. of the Navy (approximately 60 km North of Berlin). By order of the C. in C. of the Navy a top secret teletype letter was composed immediately afterwards - in spite of the fact that Hitler had already set his signature to the decree - , in which the grave misgivings of the Grand Admiral were succinctly compiled once more. In this manner the C. in C. of the Navy once more obtained a delay. Hitler ordered the postponement of the execution of the decree and the awaiting of the result of a conference of leading personalities regarding this objection on the part of the C. in C. of the Navy. Projected participants in this conference were - as far as I recall - besides the C. in C. of the Navy, the Reichs Marshall, the Chief of the OKW, the Reichs leader of the SS, Reichsleiter Bormann

H0659-0069

and the Reichsministers Dr. Thierack and Dr. Lammers. This conference took place in September 1944, but when and where I do not know. The C. in C. of the Navy afterwards stated only that he had not succeeded in carrying through his opinion with the rest of the participants.

IV.

After receipt of the decree of 1944 the formulation of the regulations for its execution, concerning which negotiations were still being carried on between the OKW and the Reich Ministry of Justice, became essentially important. The C. in C. of the Navy welcomed the intention of the OKW to obtain some improvements during these negotiations. He indicated however that he was interested neither in the decree nor in the regulations covering its execution and that he would not carry them out either. Instead he would refer to his two discussions with Hitler in this matter. These negotiations lasted for some two more months. The branches of the Armed Forces never participated directly in them but instead could have their views only occasionally submitted through the OKW. The consistently negative attitude expressed by the High Command of the Navy also at this stage, led one day to a threatening statement by State Secretary Klemm to the OKW, that he had had records compiled of a number of events showing that the naval courts either did not prosecute to a sufficient degree politically corrupting statements or punished them too mildly, and he remarked that he would prove to the Navy that the position of his minister with Hitler was at least as strong as that of the Grand Admiral. This threat did not perturb the C. in C. of the Navy, either.

As reported Hitler asked the Chief of the O.K.M. approximately at the end of November 1944 after a discussion of the situation whether the decree of 10 September 1944 had been carried out without trouble. In reality nothing had been done about it until that time - at least by the Navy - since it had been possible to delay the issuance of regulations covering the execution of the decree, time and time again. After this question the chief of the O.K.M. did not think that he was able to carry the responsibility for further delays and announced orally in December 1944 that he agreed essentially with the draft of the Reich Minister of Justice, which was very unfavorable for the armed forces.

H0659-0070

Even though the decree of 20 September 1944 and the regulations covering its execution had now created clearer, though unsatisfactory conditions the C. in C. of the Navy issued an order to the effect that the decree as well as the regulations covering its execution should only be filed and not be disseminated to the subordinate agencies. He was aware - as I assume - of the possible consequences of this unequivocally negative attitude. He was, however, convinced of the correctness of his opinion and was prepared to answer for it at any time.

This attitude of the C. in C. of the Navy made it possible for the Navy as the only branch of the Armed Forces until the end of the war not to have to transfer to the People's Court or to a special Court any criminal procedures of political coloring.

I affirm in lieu of oath the correctness of my statements to be submitted to the International Military Tribunal in Nuernberg.

Muerwik
Flensburg, 8 April 1946

signed: Dr. Joachim Rudolphi.

I, Theodore Lit, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of Document Doenitz No. 91.

8 May 1946

Theodore Lit
X 040185

File

H0659-0071

SUPPLEMENTAL DOCUMENT FOR THE DEFENDANT DOENITZ

Document Nr. C 151 - GB 91

English

H0659-0072

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании трибунала и только ту часть, которая представлена в качестве доказательства.

H0659-0073

I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les régles du Tribunal, en date du 4 Avril 1946.

Ich bestaetige , dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

H0659-0074

Excerpt

from

Document C 151 - GB 91

Commander of Submarines — 30-3-40

Operations Department — Pruef-No. 1

B. NO. gKdos Chefs 120

Top Secret

Top Secret

Only via Officer

Operation order "Hartmut"

II Edition

Occupation of Denmark and Norway.

. . . . . .

II. Information about our own combat forces

5.) The naval forces will presumably fly the English battle flag on entering, until disembarkation of the troops except in Narvik.

. . . . . .

IV. Orders to Submarines

Tasks

2.) At the stand-by position. Attack only the enemy naval forces and troop transports. Reporting of enemy forces, air formations from one squadron upwards. No advance against Norwegian and Danish forces, except when same attack our own forces. Submarines of the 3rd, 5th, 9th Submarine group may leave their positions for attack on battleships, cruisers and troop transports on enemy report received from a boat of its own group.

H0659-0075

5.) Caution: Beware of confusion of our own and foreign forces! After the order for taking up of end positions, only forces announced to the boats with PT are to enter, with the exception of supply steamers.

VI. General Instructions.

a) In case there should be contact with the enemy before the landings have been carried out, all tie-ups as to locality within the reach of their own group are abolished. They are to attack the enemy wherever they can reach him, at the same time the sharpest attention is required in recognizing our own forces.

b) Incidents with American merchant ships must be avoided under all circumstances.

c) Steamers may be attacked only when they have been ascertained indisputably as enemy and as troop transport.

. . . . . .

7 May, 1946

I, MARTHA VON GRONEFELD, Civ., X 046272, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a true and correct translation of the original document.

MARTHA VON GRONEFELD

Civ., X 046272

File
May 23, 1946.

SUPPLEMENTAL DOCUMENT FOR THE DEFENDANT DOENITZ.

INTERROGATORY FROM FLEET ADMIRAL CHESTER NIMITZ.

MAY 11, 1946.

Ex. 100
Submitted July 2, 1946

English
German

H0659-0077

Notice.

Not to be published until presented before the tribunal in open court and then only that portion actually submitted as evidence.

Ne pas publier avant présentation devant le tribunal en audience publique et seulement la partie réellement versée au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jenen Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

H0659-0078

I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les régles du Tribunal, en date du 4 Avril 1946,

Ich bestaetige , dass keine der hierin enthaltenen Dokumente vor Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

H0659-0079

Doenitz Nr. 100

11 May 1946

INTERROGATION OF FLEET ADMIRAL CHESTER W. NIMITZ, U.S. NAVY.

At the request of the International Military Tribunal the following interrogatories were on this date, 11 May 1946, put to Fleet Admiral Chester W. Nimitz, U.S. Navy by Lieutenant Commander Joseph L. Broderick, U.S. Naval Reserve, of the International Law Section, Office of the Judge Advocate General, Navy Department, Washington., D.C., who recorded verbatim the testimony of the witness.

Admiral Nimitz was duly sworn by Lieutenant Commander Broderick and interrogated as follows:

Q. What is your name, rank and present station?
A. Chester W. Nimitz, Fleet Admiral, United States Navy, Chief of Naval Operations of the United States Navy.

1. Q. What positions in the U.S. Navy did you hold from December 1941 until May 1945 ?

A. Commander-in-Chief, U.S. Pacific Fleet.

2. Q. Did the U.S.A. in her sea warfare against Japan announce certain waters to be areas of operation, blockade, danger restriction, warning or the like?

A. Yes. For the purpose of command of operations against Japan the Pacific Ocean areas were declared a theater of operations.

3. Q. If yes, was it customary in such areas for submarines to attack merchantmen without warning with the exception of her own and those of her Allies?

A. Yes, with the exception of hospital ships and other vessels under "safe conduct" voyages for humanitarian purposes.

4. Q. Were you under orders to do so?

A. The Chief of Naval Operations on 7 December 1941 ordered unrestricted submarine warfare against Japan.

5. Q. Was it customary for submarines to attack Japanese merchantmen without warning-outside of announced operation or similar areas since the outbreak of the war?

A. The reply to this interrogatory involves matters outside the limits of my command during the war; therefore I make no reply thereto.

6. Q. Were you under orders to do so?
A. The reply to this interrogatory involves matters outside the limits of my command during the war, therefore I make no reply thereto.

H0659-0080

7. Q. If the practise of attacking without warning did not exist since the outbreak of the war, did it exist from a later date on? From what date on?

A. The practice existed from 7 December 1941 in the declared zone of operations.

8. Q. Did this practice correspond to issued orders?

A. Yes.

9. Q. Did it become known to the U.S. Naval authorities that Japanese merchantmen were under orders to report any sighted U.S. submarine to the Japanese Armed Forces by radio? If yes, when did it become known?

A. During the course of the war it became known to the U.S. Naval authorities that Japanese merchantmen in fact reported by radio to Japanese armed forces any information regarding sighting of U.S. submarines.

10. Q. Did the U.S. submarines thereupon receive the order to attack without warning Japanese merchantmen, if this order did not ecist already before? If yes, when?

A. The order existed from 7 December 1941.

11. Q. Did it become known to the U.S. Naval authorities that the Japanese Merchantmen were under orders to attack any U.S. submarine in any way suitable according to the situation, for instance by ramming, gun fire or by depth charges. If yes, when did it become known?

A. Japanese merchantmen were usually armed and always attacked by any available means when feasible.

12. Q. Did the U.S. submarines thereupon receive the order of attacking without warning Japanese merchantmen, if this order did not already exist before? If yes, when?

A. The order existed from 7 December 1941.

13. Q. Were, by order or on general principles, the U.S. submarines prohibited from carrying out rescue measures toward passengers and crews of ships sunk without warning in those cases where by doing to the safety of the own boat was endangered?

H0659-0081

A. On general principles the U.S. submarines did not rescue enemy survivors if undue additional hazard to the submarine resulted or the submarine would thereby be prevented from accomplishing its further mission. U.S. submarines were limited in rescue measures by small passenger-carrying facilities combined with the known desperate and suicidal character of the enemy. Therefore it was unsafe to pick up many survivors. Frequently survivors were given rubber boats and/or provisions. Almost invariably survivors did not come aboard the submarine voluntarily and it was necessary to take them prisoner by force.

14. Q. If such an order or principle did not exist, did the U.S. submarines actually carry out rescue measures in the above motioned cases ?

A. In numerous cases enemy survivors were rescued by U.S. submarines.

15. Q. In answering the above question, does the expression "merchantmen" mean any other kind of ships than those which were not warships ?

A. No. By "merchantmen" I mean all types of ships which were not combatant ships. Used in this sense it includes fishing boats, etc.

16. Q. If yes, what kind of ships ?

A. The last answer covers this question.

17. Q. Has any order of the U.S. Naval authorities mentioned in the above questionaire concerning the tactics of U.S. submarines toward Japanese merchantmen been bases on the grounds of reprisal ? If yes, what orders ?

A. The unrestricted submarine and air warfare ordered on 7 December 1941 resulted from the recognition of Japanese tactics revealed on that date. No further orders to U.S. submarines concerning tactics toward Japanese merchantmen throughout the war were bases on reprisal, although specific instances of Japanese submarines' committing atrocities toward U.S. merchant marine survivors became known and would have justified such a course.

H0659-0082

18. Q. Has this order or have these orders of the Japanese Government been announced as reprisals ?

A. The question is not clear. Therefore I make no reply thereto.

19. Q. On the basis of what Japanese tactics was the reprisal considered justified ?

A. The unrestricted submarine and air warfare ordered by the Chief of Naval Operations on 7 December 1941 was justified by the Japanese attacks on the date on U.S. bases; and on both armed and unarmed ships and nationals, without warning or declaration of war.

The above record of my testimony has been examined by me on this date and is in all respects accurate and true.

11 May, 1946

signed: Chester W. Nimitz

CHESTER W. NIMITZ
Fleet Admiral, U.S. Navy

The witness, Chester W. Nimitz, Fleet Admiral, U.S. Navy, was duly sworn by me prior to giving the above testimony and I do certify that the above is a true record of the testimony given by him.

signed: Joseph L. Broderick

11 May, 1946.

JOSEPH L. BRODERICK
Lieutenant Commander, U.S. Naval Reserve

File
May 23/46 english

SUPPLEMENTAL DOCUMENT FOR THE DEFENDANT DOENITZ.

INTERROGATORY FROM FLEET ADMIRAL CHESTER NIMITZ.

MAY 11, 1946.

Exhibit 100
Submitted [illegible]

H0659-0083

H0659-0084

Notice.

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Не публиковать до того, как представлено на публичном заседании Трибунала и только ту часть, которая представлена в качестве доказательства.

H0659-0085

I certify that none of the documents included herein have been denied by the tribunal and that this document book has been examined with the prosecution in accordance with the ruling of the tribunal dated 4 April 1946.

Je certifie qu'aucun des documents ci-inclus n'a été contesté par le Tribunal, et que ce livre de documents a été examiné par le Ministère Public suivant les règles du Tribunal, en date du 4 Avril 1946,

Ich bestaetige, dass keine der hierin enthaltenen Dokumente vom Gerichtshof abgelehnt wurden und dass dieses Dokumentenbuch gemeinsam mit der Anklagevertretung durchgesehen wurde, in Uebereinstimmung mit der Entscheidung des Gerichtshofes vom 4. April 1946.

Signature of Counsel

Signature de l'Avocat

Unterschrift des Verteidigers.

H0659-0086

Doenitz Nr. 100

11 May 1946

INTERROGATION OF FLEET ADMIRAL CHESTER W. NIMITZ, U.S. NAVY.

At the request of the International Military Tribunal the following interrogatories were on this date, 11 May 1946, put to Fleet Admiral Chester W. Nimitz, U.S. Navy by Lieutenant Commander Joseph L. Broderick, U.S. Naval Reserve, of the International Law Section, Office of the Judge Advocate General, Navy Department, Washington, D.C., who recorded verbatim the testimony of the witness.

Admiral Nimitz was duly sworn by Lieutenant Commander Broderick and interrogated as follows:

Q. What is your name, rank and present station?
A. Chester W. Nimitz, Fleet Admiral, United States Navy, Chief of Naval Operations of the United States Navy.

1. Q. What positions in the U.S. Navy did you hold from December 1941 until May 1945 ?

A. Commander-in-Chief, U.S. Pacific Fleet.

2. Q. Did the U.S.A. in her sea warfare against Japan announce certain waters to be areas of operation, blockade, danger restriction, warning or the like?

A. Yes. For the purpose of command of operations against Japan the Pacific Ocean areas were declared a theater of operations.

3. Q. If yes, was it customary in such areas for submarines to attack merchantmen without warning with the exception of her own and those of her Allies?

A. Yes, with the exception of hospital ships and other vessels under "safe conduct" voyages for humanitarian purposes.

4. Q. Were you under orders to do so?

A. The Chief of Naval Operations on 7 December 1941 ordered unrestricted submarine warfare against Japan.

5. Q. Was it customary for submarines to attack Japanese merchantmen without warning-outside of announced operation or similar areas since the outbreak of the war?

A. The reply to this interrogatory involves matters outside the limits of my command during the war; therefore I make no reply thereto.

6. Q. Were you under orders to do so?
A. The reply to this interrogatory involves matters outside the limits of my command during the war; therefore I make no reply thereto.

H0659-0087

7. Q. If the practise of attacking without warning did not exist since the outbreak of the war, did it exist from a later date on? From what date on?

A. The practice existed from 7 December 1941 in the declared zone of operations.

8. Q. Did this practice correspond to issued orders?

A. Yes.

9. Q. Did it become known to the U.S. Naval authorities that Japanese merchantmen were under orders to report any sighted U.S. submarine to the Japanese Armed Forces by radio? If yes, when did it become known?

A. During the course of the war it became known to the U.S. Naval authorities that Japanese merchantmen in fact reported by radio to Japanese armed forces any information regarding sighting of U.S. submarines.

10. Q. Did the U.S. submarines thereupon receive the order to attack without warning Japanese merchantmen, if this order did not ecist already before? If yes, when?

A. The order existed from 7 December 1941.

11. Q. Did it become known to the U.S. Naval authorities that the Japanese Merchantmen were under orders to attack any U.S. submarine in any way suitable according to the situation, for instance by ramming, gun fire or by depth charges. If yes, when did it become known?

A. Japanese merchantmen were usually armed and always attacked by any available means when feasible.

12. Q. Did the U.S. submarines thereupon receive the order of attacking without warning Japanese merchantmen, if this order did not already exist before? If yes, when?

A. The order existed from 7 December 1941.

13. Q. Were, by order or on general principles, the U.S. submarines prohibited from carrying out rescue measures toward passengers and crews of ships sunk without warning in those cases where by doing to the safety of the own boat was endangered?

H0659-0088

A. On general principles the U.S. submarines did not rescue enemy survivors if undue additional hazard to the submarine resulted or the submarine would thereby be prevented from accomplishing its further mission. U.S. submarines were limited in rescue measures by small passenger-carrying facilities combined with the known desperate and suicidal character of the enemy. Therefore it was unsafe to pick up many survivors. Frequently survivors were given rubber boats and/or provisions. Almost invariably survivors did not come aboard the submarine voluntarily and it was necessary to take them prisoner by force.

14. Q. If such an order or principle did not exist, did the U.S. submarines actually carry out rescue measures in the above motioned cases ?

A. In numerous cases enemy survivors were rescued by U.S. submarines.

15. Q. In answering the above question, does the expression "Merchantmen" mean any other kind of ships than those which were not warships ?

A. No. By "merchantmen" I mean all types of ships which were not combatant ships. Used in this sense it includes fishing boats, etc.

16. Q. If yes, what kind of ships ?

A. The last answer covers this question.

17. Q. Has any order of the U.S. Naval authorities mentioned in the above questionaire concerning the tactics of U.S. submarines toward Japanese merchantmen been bases on the grounds of reprisal ? If yes, what orders ?

A. The unrestricted submarine and air warfare ordered on 7 December 1941 resulted from the recognition of Japanese tactics revealed on that date. No further orders to U.S. submarines concerning tactics toward Japanese merchantmen throughout the war were bases on reprisal, although specific instances of Japanese submarines' committing atrocities toward U.S. merchant marine survivors became known and would have justified such a course.

H0659-0089

18. Q. Has this order or have these orders of the Japanese Government been announced as reprisals ?

A. The question is not clear. Therefore I make no reply thereto.

19. Q. On the basis of what Japanese tactics was the reprisal considered justified ?

A. The unrestricted submarine and air warfare ordered by the Chief of Naval Operations on 7 December 1941 was justified by the Japanese attacks on the date on U.S. bases; and on both armed and unarmed ships and nationals, without warning or declaration of war.

The above record of my testimony has been examined by me on this date and is in all respects accurate and true.

11 May, 1946

signed: Chester W. Nimitz

CHESTER W. NIMITZ
Fleet Admiral, U.S. Navy

The witness, Chester W. Nimitz, Fleet Admiral, U.S. Navy, was duly sworn by me prior to giving the above testimony and I do certify that the above is a true record of the testimony given by him.

signed: Joseph L. Broderick

11 May, 1946.

JOSEPH L. BRODERICK
Lieutenant Commander, U.S. Naval Reserve

9/6

Sept. 6, 1946

Tel. Cslc 20785
App. 3.

OK'd by the Tribunal but came thru too late to be submitted in evidence.

Vern. Stab
Raadhusgaten 8
C s l c

15 July 1946

To the British Secretary of the
International Military Tribunal

N u e r n b e r g

Re: Capt. of the Navy

Hans Rudolf Roesing

A. 1) Re: Your teletype B.CE/N/Sig/ 1 - 1281 of 10.11.45 B.

2) The following are the replies to your list of questions, signed according to order by Roesing.

B. 1) Captain of the Navy Hans Rudolf Roesing.

2) Roesing was chief of the submarine fleet (FdU) in the West.

3) March 43 up to the capitulation (March 43-Sept.44 LORIENT. Sept.44 - capitulation: BERGEN.).

4) With regard to administration, discipline, supplies, maintenance and care came under Rear Admiral von FRIEDEBURG in Kiel. The limits of his operations at sea were 2° West - 60° North in the Bay of Biscay, 12° West and the Straits of DOVER. Everything outside these limits came directly under the command of the Submarine Fleet Commander (BdU) Admiral Doenitz. Operational commands from the BdU were transmitted simultaneously to the FdU and the flottillas. Therefore Doenitz was only his indirect superior.

5) I don't know anything about any order of that kind.

6) No.

7) Roesing can remember the following event, which occurred in his opinion in January or February 1942: Submarine commander, Lt. Hartenstein sank a ship in mid-Atlantic in the latitude of the African coast, with women, children, British troops and Italian prisoners of war on board. Life boat with women and children on board were taken in tow by the submarine and Hartenstein took a few survivors on his own submarine. Then he broadcast over international naval wave length (600 m) the information that he was occupied in salvage work, declaring that his ship was safeguarded by the hoisting of a Red Cross flag. He also announced his location and gave details as to the course he intended to take in the direction of the African coast, as well as the location of the sunk ship in order to enable other ships to rescue additional survivors. Allied planes reached the submarine, and established a Morse connection with it. The plane or plane disappeared but one or two hours later other Allied planes appeared over the submarine, showering bombs on it and thereby causing heavy damage to it. It dived immediately, leaving the survivors to their own fate. It succeeded, however, in reaching its base in LORIENT and was later sunk in another operation. The name of the Allied ship is unknown to Roesing.

8) After this event, the BdU sent all commanders a warning not to get involved in prolonged salvage work which might endanger their own security. There were no orders issued in contradiction to the laws of Maritime Warfare.

9) Roesing can recall an instruction and a warning, but not a direct order, similar to that of 17 September 1942 mentioned in the question list and using the same strong expressions. He believes that the instruction and warning may have been published at an earlier date. All orders issued by the BdU were noted in Roesing's documents and then transmitted by him to the submarine commanders. If such an order had existed Roesing would have had to know about it.

10) No. Roesing declares that if such tendencies had appeared among his subordinates, he would have suppressed them immediately.

11) No.

12) He is aware only of one occurrence in the Southern Atlantic, which he learned about after the capitulation. The officer in question, Lt.(j.g.)Eck has already appeared in court under prosecution for war crimes.

13) The reasons advanced are as mentioned above; they consider the security of the submarines as the thing of primary importance. Therefore any transmission of information, any signal or hesitation, which might endanger the submarine and possibly any others in the vicinity, were strictly forbidden. When security made it possible, the key personnel was rescued for the purpose of information and examination.

Roesing is of the opinion that such an order as the above-mentioned would have impaired the morale of the commanders and the crew. And the weapon would have lost much of its prestige by a decrease in the shipping tonnage sunk.

Capt. of the Navy, Hans Rudolf Roesing

signed: Roesing

Witness:

(illegible)
W. Thomson, Col. RASC

The signatures of above documents attested after changing paragraph 12

Sign: R. Ansell WELLS
Major
GSO II Int. (b)

H0659-0091

First copy.

No. 323 of the Document Record 1946. Sept. 6, 1946

Made at Luebeck on 16 July 1946 OKd by the Tribunal but never submitted in evidence

Before me, the undersigned notary

Adolf Ihde LL.D. (came thru too late)

at Luebeck

appeared today in my office, Breite Str. 18,I, the commander Reinhard (Teddy) Suhren, living in Kleverhof near Bad Schwartau, District Luebeck, identified by release certificate of the Disbandment Control Unit No. 37 and declared the following for my notary record:

I have been summoned by the defense counsel of Grand Admiral Karl Doenitz befor the International Military Tribunal at Nuernberg to answer the following quest' submitted to me and to certify in lieu of oath the correctness of my answer:

1) What is your rank and name?

Answer:

My name is Reinhard Suhren. At the time of the surrender I was commander in the German Navy.

2) Were you chief of the submarine fleet in Norway in this war?

3) From when until when?

Answer:

I was chief of the submarine fleet in Norway from May 1944 till the surrender.

4) Was the commander of the submarine fleet, Admiral Doenitz, your superior?

Answer:

The commander of the submarine fleet, Grand Admiral Doenitz, was my superior.

5) Did you ever receive an order of the BdU (Commander of the Submarine Fleet), or do you know of an order, in which the destruction of the lifesaving equipment of sunken ships, or the killing of shipwrecked persons, is ordered?

Answer:

I never received an order from the BdU, and I do not know of any order, in which the destruction of the lifesaving equipment of sunken ships or the killing of shipwrecked persons is ordered.

6) Did you ever receive an order from the BdU, or do you know of an order, which perhaps did not directly contain the aforementioned instructions, but which according to its form could be interpreted to the effect that life saving equipment was to be destroyed and shipwrecked persons were to be killed?

H0659-0093

Answer:
I never received an order from the BdU nor do I know of an order, in which the aforementioned instructions were indeed not directly included but which according to its form was interpreted to the effect that lifesaving equipment was to be destroyed and shipwrecked persons were to be killed.

7) Do you know that in September 1942 German submarines, after the torpedoing of the British steamer "Laconia", rescued shipwrecked persons and while doing so were attacked with bombs by an Allied plane?

Answer:
I have been told, namely by the commander of the German submarine involved, Lieutenant Commander von Hartenstein, that in September 1942, after the torpedoing of the British steamer "Laconia", while the crew was busy with the rescue of shipwrecked persons, the submarine under his command was attacked with bombs by an Allied plane when it had already taken on board many rescued shipwrecked persons, and that it entered its base heavily damaged. He added that the enemy plane first circled around the boat for 45 minutes approximately. Only then did the plane attack although the submarine had made its pacific intentions quite discernible by means of a red cross painted on a white surface.

8) Do you know if on the grounds of this indident the BdU issued an order in which he forbade assistance to be given if it involved endangering the submarine since this was incompatible with the laws of naval warfare?

9) Can you remember the order attached on 17 September 1942?

Answer:
I know that on the grounds of this incident the BdU issued by a radio message on 17 September 1942 the order which was communicated to me by the defense counsel of Grand Admiral Doenitz and which has been reproduced in the appendix. I also received this order. When the order was received, I was commander of a submarine.

10) Did you, or, as far as you know, did any member of your staff or one of your commanders understand or interpret this order to the effect that lifesaving equipment had to be destroyed and shipwrecked persons had to be killed?

Answer:
Neither at that time nor later, did I myself nor did as far as I know any member of my staff or any of my commandants, understand or interpret this order to the effect that lifesaving equipment was to be destroyed and shipwrecked persons were to be killed.

11) Do you know whether the BdU or an officer of his staff ever spread verbally or in writing such an interpretation of an order of the BdU?

Answer:
I have never heard that the BdU or an officer of his staff ever spread verbally or in writing such an interpretation of an order of the BdU.

12) Did you learn during the war whether any German Submarine commander actual destroyed the lifesaving equipment and killed shipwrecked persons after t sinking of a ship ?

Answer: I did not learn during the war that any German submarine commander actually/destroyed the lifesaving equipment and killed shipwrecked persons after the sinking of a ship.

13) What general principle existed during your command as chief of the submar fleet, concerning measures of assistance for shipwrecked persons?

Answer: During my command as chief of the submarine fleet the following gener principle existed concerning measures of assistance for shipwrecked persons: The orders issued by the BdU are valid. After the torpedoing of ships, commanders have to act as carefully as possible. Measures of assistance which would imperil the boat are in no case permitted. During the last period of the war the air superiority of the enemy was so great that the possibility of carrying through a rescue operati without endangering oneself practically never existed. Therefore I felt obliged to point out emphatically this fact and stress it in commenti on the existing orders.

Commander Reinhard Surhen was informed by the undersigned notary of the importance of an affidavit and then declared:

I certify in lieu of oath that I do not know anything which goes agai the accurency of my above statements.

The above minutes and the enclosure were read by me, the notary, to the present person, approved by him and personally signed by him and myself as follows:

Signed: Surhen

Signed: Dr. Ihde

Stamp:LL.D

Seal: Adolf Ihde

Notary at Luebeck

No.323 of the documents record 1946

Value: 3.000,00		
Fee Paragr.	43.26	RM 16.00
Transaction tax		" 0,48
	Total	RM 16.48

H0659-0094

H0659-0095

Enclosure

Radio message of 17 September 1942, 21.00 Hours

To all commandants

1) An attempt at rescuing from sunk ships, or at fishing people who are swimming out of the water and placing them aboard life-boats, or the straightening of capsized life-boats, the furnishing of food and water, prohibited. The rescue is in contradiction with the most elementary demands of warfare which aims at the destruction of enemy ships and cre

2) Orders concerning the seizure of captains and chief-engineers remain valid.

3) Rescue shipwrecked persons only if their declarations might be important for the boat. (submarine)

4) Be hard. Remember that the enemy has no consideration for women and children when bombing German towns.